IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 19739 of 2006(Y)

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EP.179/2002 IN OS.923/1999 of II ADDL.M.C.,TRIVANDRUM

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PETITIONERS:

1. P. GOPAKUMAR, AGED 45, S/O. PADMANABHA PILLAI, WORKING AS GRADEE I WORKER HINDUSTAN LATEX LTD., PEROORKADA AND RESIDING AT KUMARA VILASOM, VATTAVILA, THIRUMALA P.O., THIRUVANANTHAPURAM.

2. G. VIJAYAKUMAR, AGED 45 YEARS, S/O GOPALAN, WORKING AS GRADE I WORKER, HINDUSTAN LATEX LTD., PEROORKADA AND RESIDING AT MOHANAVILASOM KATTU ROAD, POOJAPURA, THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:

1. STATE BANK OF TRAVANCORE, PEROORKADA BRANCH, THIRUVANANTHAPURAM REPRESENTED BY THE MANAGER.

2. P. MOHANAKUMARAN NAIR, AGED 63 YEARS, S/O.PARAMESWARAN PILLAI, RESIDING AT PARVATHY BHAVANAM, T.C.19/2313, VATTAVILA, THIRUMALA P.O., THIRUVANANTHAPURAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

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W.P.(C)No. 19739 of 2006 Y

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**JUDGMENT**

The petitioners are judgment debtors 2 and 3 in O.S.No.923/99 on the file of the Munsiff's Court, Thiruvananthapuram. In execution of the decree passed in the said suit, the court below passed Exhibit P1 order issuing warrant against judgment debtors 1 to 3. The prayer in this writ petition is to set aside the said order and to direct the court below to proceed against the second respondent, accepting Exhibit P2 agreement, wherein the second respondent/first judgment debtor had undertaken to pay the debt by himself. Exhibit P2 undertaking has no bearing at all in the matter of execution of the decree by the decree holder against the petitioners/judgment debtors 2 and 3, who are liable under the decree. So warrant ordered against the petitioners/judgment debtors 2 and 3 and against the second respondent/first judgment debtor

is quite in order and does not deserve to be interfered with in this writ petition.

This writ petition, in the circumstances, is devoid of merit and is dismissed.

2nd April, 2007 (K.P.Balachandran, Judge)

tkv